

BILL NO. S-73-04-29

SPECIAL ORDINANCE NO. S-47-73

AN ORDINANCE approving a contract with
MICHIE CITY PUBLICATIONS COMPANY FOR
Codification of City Ordinances.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. A certain contract dated April _____, 1973
between the City of Fort Wayne, by and through its Mayor and City
Clerk and Michie City Publications Company for codification of
Ordinances of the City of Fort Wayne beginning where Municipal
Code of 1959 and Supplement Number 3 left off and continuing
with Ordinances, new and amendatory, passed by the City of Fort
Wayne as of the time of the completion of the editorial manuscript
by Michie City Publications Company for a total cost of \$14,250.00,
all as more particularly set forth in contract dated April
_____, 1973, which is by reference incorporated herein and
made a part hereof, is hereby in all things ratified, confirmed
and approved.

SECTION 2. This Ordinance shall be in full force and
effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Approved as to form and legality
this ____ day of April, 1973.

[Signature]
City Attorney

OK John H. Langan

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: _____

CITY CLERK

Read the third time in full and on motion by Hinga, seconded by Talarico, and duly adopted, placed on its passage.

Passed (~~lost~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DATE: 4/24/73

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. S-47-73 on the 24th day of April, 1973.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of April, 1973, at the hour of 4:00 o'clock A. M., E.S.T.

CITY CLERK

Approved and signed by me this 25th day of April, 1973, at the hour of 4:00 o'clock P. M., E.S.T.

MAYOR

SUSPENSION OF RULES

BILL NO. 2-73-04-29

Councilman Hengal, moved to suspend the rules on passage of BILL NO. 2-73-04-29, at this meeting of April 24, 1973, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman Talarico, and duly passed by unanimous vote of all legally elected members of the said Common Council.

The above BILL and 2-47-73 Special ORDINANCE was accordingly placed on its passage.

DATE: 4-24-73

PRESIDING OFFICER

Charles W. [Signature]
CITY CLERK

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>BURNS</u>	<u>9</u> ✓	<u>0</u>	_____	_____	_____
<u>HINGA</u>	✓	_____	_____	_____	_____
<u>KRAUS</u>	✓	_____	_____	_____	_____
<u>NUCKOLS</u>	✓	_____	_____	_____	_____
<u>MOSES</u>	✓	_____	_____	_____	_____
<u>D. SCHMIDT</u>	✓	_____	_____	_____	_____
<u>V. SCHMIDT</u>	✓	_____	_____	_____	_____
<u>STIER</u>	✓	_____	_____	_____	_____
<u>TALARICO</u>	✓	_____	_____	_____	_____

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No 2-47-73

ATTEST: (SEAL)

DATE: 4/25/73

Charles W. [Signature]
CITY CLERK

Bill No. S-73-04-29

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on FINANCE to whom was referred an Ordinance

AN ORDINANCE approving a contract with MICHIE CITY PUBLICATIONS COMPANY FOR
Codification of City Ordinances.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

WILLIAM T. HINGA (CHAIRMAN)

JOHN NUCKOLS (VICE-CHAIRMAN)

JAMES S. STIER

PAUL M. BURNS

SAM TALARICO

William T. Hinga
John Nuckols
James S. Stier
Paul M. Burns
Samuel J. Talarico

42873 CONCURRED IN
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

THIS AGREEMENT, made and entered into this day of , 1973,
by and between MICHIE CITY PUBLICATIONS COMPANY, a corporation duly organized,
created and existing under the laws of the Commonwealth of Virginia, party of the
first part, and CITY OF FORT WAYNE, a municipal corporation in the State of Indiana,
party of the second part,

WITNESSETH: That, in consideration of the sums of money hereinafter
agreed to be paid to the party of the first part by the party of the second part,
the said Michie City Publications Company, party of the first part, agrees to and
with the said City of Fort Wayne, party of the second part, and its successors and
assigns, that it will do the following work and render and perform the following
services in connection with the preparation of the new Code of Ordinances for
Fort Wayne, Indiana, viz.:

EDITORIAL WORK

1. Codify the Ordinances of a general and permanent nature that
have been enacted by the governing body of the City of Fort
Wayne beginning where the Municipal Code of 1959 and Supple-
ment Number 3 left off and continuing with Ordinances, new and
amendatory, passed by the governing body as of the time of the
completion of the editorial manuscript. The Ordinances carried
in Supplements Numbers 1 through 3 shall be worked into their
proper places in the Code manuscript and all such material
contained in the Code of 1959 as is repealed by the provisions
of Supplements Numbers 1 through 3 shall be eliminated and
discarded. Specifically, all new and amendatory Ordinances
passed by the governing body since the completion of the Code
of 1959, whether contained in Supplements Numbers 1 through
3 or passed subsequent to the publishing of the Supplements,
shall be handled editorially in the manner hereinafter set
forth.

2. The Technical Codes, as set forth in Part II of the Municipal Code of 1959, may be included or excluded at the option of the City Officials. Any Technical Codes which the City wishes to adopt by reference will be accommodated by the Editors drafting an appropriate Ordinance to cover the situation.
3. The Editors shall be charged with and shall be under the affirmative duty to check carefully all material in the Code of 1959 and in Supplements Numbers 1 through 3 even though the material has not been amended or changed specifically by subsequent Ordinances, this for the purpose of insuring that all material in the new Code shall parallel and not run in conflict with the corresponding State Laws. This material shall also be checked against the decisions of the Supreme Court of Indiana, and Indiana Court of Appeals.
4. The amendatory provisions shall be codified and worked into proper places in the original Ordinances. The nonamendatory Ordinances shall be properly classified in the appropriate chapters to which they belong.
5. The repealed provisions of the Code of 1959 and Supplements Numbers 1 through 3 shall be omitted from the new codification with the new and amendatory provisions being worked into their proper places to replace the outmoded provisions -- this to the end that the new Code will reflect the last word of the governing body on that particular subject.
6. Cross references shall be prepared and editorial footnotes shall also be prepared by the Company's Editors in order to tie together the related portions of the Code manuscript. References shall also be made to appropriate sections of the State Laws.
7. The members of the Company's Editorial Staff shall be under the affirmative duty of suggesting needed changes in the language of existing Ordinances and shall also be charged with the duty of preparing and submitting to the City Attorney recommendations

regarding new provisions, from an editorial standpoint, which might be added to the existing Ordinances. Such changes and recommendations will be submitted for whatever action the City Attorney sees fit to take thereon. The Editorial Staff, however, will have no right or power to make material, radical or substantive changes in existing Ordinances without the express approval and permission of the City Attorney.

8. The Editors shall prepare individual catchlines to the various sections of the new Code manuscript. These catchlines shall also be set up in the form of a frontal analysis at the beginning of each chapter of the Code.
9. A complete and comprehensive general index will be prepared to the entire Code manuscript.
10. Codification of the Ordinances shall include the handling of all Ordinances passed by the governing body of the City of Fort Wayne up to the time the Code manuscript is reviewed with the City Attorney. Any Ordinances passed by the governing body subsequent to the date of the execution of this agreement shall be forwarded from time to time to the Editorial Offices of the Company so that such provisions may be accorded their proper places in the new Code manuscript. After the manuscript has been inspected and approved by the City Attorney, no new or additional material shall be added or incorporated to the manuscript.
11. When editorially completed the Company shall notify the City Attorney and the Company will either send the Code manuscript to Fort Wayne by the Supervising Editor, and there review the manuscript with the City Attorney or, in lieu thereof, the City Attorney may come to the Editorial Offices of the Company in Charlottesville for the purpose of reviewing said manuscript. If the City Attorney elects to come to Charlottesville, Virginia,

for such purpose, then the Company agrees to defray his traveling expenses from Fort Wayne to Charlottesville and return, and his living expenses while in Charlottesville.

12. After being reviewed and approved by the City Attorney, the manuscript will then be put in final form so as to include all changes that have been agreed upon at the editorial conferences with the City Attorney. Thus, the manuscript will be put in shape for typesetting and printing.

TYPESETTING, PRINTING AND BINDING

Michie City Publications Company agrees to print and bind the Code in final form according to the following specifications:

1. The text of the entire Code is to be set in sharp, clear ten-point Roman type, with boldface catchlines, the type page to be 25 x 42 picas and the over-all page size to be approximately 6 3/4 x 9.
2. The footnotes, general index and chapter analyses shall be in eight-point Roman type. The main headings of the general index shall be in boldface type.
3. The Code shall be printed on Cumberland English Finish Book paper, fifty pound substance.
4. There shall be printed for delivery to the City of Fort Wayne, Office of the City Clerk, two hundred (200) copies of the completed Code, each of which shall be bound in the modern Royal McBee looseleaf binder. Each copy shall contain lettering on the spine showing the official name of the publication and the lettering shall be in pure gold.

If, when the Code reaches galley proof stage, the Company and the City Officials determine that it would be wise to convert the Code into a two-volume Code, then the Company and the City Officials will negotiate to this end.

Additional copies of the Code, without binders, if ordered at presstime or prior to presstime, can be purchased at a price not to exceed nine (\$9.00) dollars per copy.

Additional binders to accommodate the additional copies of the Code can be ordered at a price not to exceed eight dollars and fifty cents (\$8.50) per binder. This price includes the cost of the lettering on the binder.

5. The Company shall afford the City an opportunity to order reprints of certain selected chapters from the Code before the type is thrown down and remelted. The decision as to such reprints shall be made at the time the galley proofs are returned to the Company for paging and final printing.

ADOPTION OF CODE

1. On completion of the Code of Ordinances, the Company's Editors will draft and will submit to the City Attorney an Ordinance that will serve to effectively adopt officially the new Code of Ordinances. When this Ordinance is passed by the governing body, a copy thereof shall be sent to the Company so that the Company may prepare a sufficient number of copies thereof to accommodate all copies of the Code.

SUPPLEMENTAL UPKEEP SERVICE

1. For a period of two (2) years following the completion of the Code proper, the Company will do the editorial work on and will print for the City two hundred (200) copies of each supplemental or replacement page at a price of fourteen (\$14.00) dollars per page. Each group of supplemental or replacement pages will be trimmed, with holes drilled so as to fit in the Royal McBee looseleaf binder, and individually banded. No Supplement will ever be prepared without the written authorization

Clerk.
from the City Officials. At the end of the two-year period, the Company will discuss with the City Officials the matter of renewing the Supplement contract on the same terms or revising the terms, upwards or downwards, dependent upon the then prevailing conditions.

ORDINANCES TO BE FURNISHED AND PAYMENT PROVISIONS

The City of Fort Wayne, Indiana, contracts and agrees as follows:

1. To furnish Michie City Publications Company with three (3) copies of the Municipal Code of 1959 and three (3) copies each of Supplements Numbers 1 through 3.

The Company hereby acknowledges receipt of copies of the Ordinances beginning where Supplement Number 3 left off and continuing through April 25, 1973 Any Ordinances passed after April 25, 1973 should also be sent to the Company for inclusion in the Code.

2. To pay Michie City Publications Company for the work herein contracted for the sum of fourteen thousand, two hundred and fifty (\$14,250.00) dollars, which sum anticipates a Code not to exceed one thousand (1,000) printed pages. For each page over one thousand (1,000), if any, the City agrees to pay the Company fourteen (\$14.00) dollars per page to cover the extra editorial work and the extra typesetting and printing.

Any cuts or plates used in the printing of the Code, such as the reproduction of drawings, diagrams or emblems, or any tabular work, shall be paid for by the City.

The moneys due the Company under this contract shall be due and payable as follows: No money shall be due and payable under this contract until the Company's Editors have done the editorial work of codifying, classifying and editing the Ordinances

of a general and permanent nature and have assembled the basic editorial manuscript (exclusive of the general index which shall be prepared from galley proofs), and have reviewed the manuscript with the City Attorney. After the City Attorney has reviewed the manuscript and has approved it and has released it to the Company for typesetting, then there shall be due and payable to the Company the sum of two thousand, five hundred (\$2,500.00) dollars. The remaining moneys due the Company under this contract shall be due and payable upon the completion of all work herein contracted for and the delivery of the completed copies of the Code as herein provided.

3. To pay the delivery charges of the copies of the Code from Charlottesville, Virginia, to Fort Wayne, Indiana.

IN TESTIMONY WHEREOF, the said Michie City Publications Company, party of the first part, has caused this agreement to be executed in its name by its President and attested by its Secretary, and its corporate seal to be attached, all by order of its Board of Directors duly given, and the said City of Fort Wayne, Indiana, party of the second part, has likewise caused this agreement to be executed in its name by its and attested by its City Clerk and its corporate seal to be attached, all by order of its governing body, this the day and year first above written.

ATTEST:

A. Carter Rhodes
Secretary

MICHIE CITY PUBLICATIONS COMPANY

Shirley W. Hubert
President

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF FORT WAYNE

By _____

REQUEST FOR ACTION

To: City Attorney David B. Keller
or
Associate City Attorney _____

From: (Name, Title & Department) City Clerk

Approved by _____
(Person authorized to forward legal work)

Date: April 24, 1973

Subject: Revision of Municipal Code
(File subject designation)

File # Assigned by Records Librarian

#3125

Date: April 24, 1973

Action Requested: Passage of Ordinance

(Continue on reverse side, if necessary)

cc: City Attorney David B. Keller
(If request originally sent to an Associate City Attorney)
Mayor Ivan A. Lebamoff
Department Head of Requesting Party

Admn. Appr. _____

DIGEST SHEET

D-73-04-29.

TITLE OF ORDINANCE An Ordinance approving a contract with MICHIE CITY PUBLICATIONS COMPANY For Codification of City Ordinances.

DEPARTMENT REQUESTING ORDINANCE City Clerk

SYNOPSIS OF ORDINANCE Providing a new Municipal Code replacing the 1959 City of Fort Wayne Municipal Code and Amendments.

EFFECT OF PASSAGE Ability of departments and other interested personnel to

accurately locate Ordinances effecting City of Fort Wayne, Indiana.

EFFECT OF NON-PASSAGE Present confusion regarding Ordinances.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$14,250.00

ASSIGNED TO COMMITTEE (PRESIDENT) *J. J. J.*

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

BILL NO.	D-73-04-29
ORDINANCE NO.	D-47-73
<input checked="" type="checkbox"/> REGULAR SESSION	4-24-73
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	<i>Yes</i>
BILL WRITTEN BY	<i>City Clerk</i>
DATE INTRODUCED	4-24-73
REFERRED TO SAID STANDING COMMITTEE	<i>Yes</i>
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
<input checked="" type="checkbox"/> PASS	4-24-73
DO NOT PASS	
WITHDRAWN	
<input checked="" type="checkbox"/> SUSPENSION OF RULES	4-24-73
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/> COMMITTEE SHEET
<input checked="" type="checkbox"/> VOTE SHEET
PURCHASE ORDERS
BIDS
ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
COMMUNICATIONS FROM
ZONING MAPS
ABSTRACTS
TITLES
PRIOR APPROVAL LETTER

Yes
Requires for action
 COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS	X		
HINGA	X		
KRAUS	X		
MOSES	X		
NUCKOLS	X		
D. SCHMIDT	X		
V. SCHMIDT	X		
STIER	X		
TALARICO	X		

COMMENTS: